

# Title 142 WAC

## DAIRY PRODUCTS COMMISSION

### Chapters

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### Chapter 142-12 WAC

### DAIRY PRODUCTS—MILK ASSESSMENT REGULATIONS

#### WAC

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#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

142-12-001	Promulgation. [Promulgation, filed 1/2/68, effective 7/1/68, referendum approved 2/12/68; Promulgation, filed 3/16/60.] Repealed by Order 3-73, filed 10/29/73.
142-12-010	Assessment rates. [Regulation X, filed 1/2/68, effective 7/1/68, referendum approved 2/12/68; Regulation X, filed 3/16/60.] Repealed by Order 3-73, filed 10/29/73.
142-12-020	Assessment reports. [Regulation XI, filed 1/2/68, effective 7/1/68, referendum approved 2/12/68; Regulation XI, filed 3/16/60.] Repealed by Order 3-73, filed 10/29/73.

**WAC 142-12-01001 Declaration of purpose.** To effectuate the purposes of RCW 15.44.080 as last amended by chapter 41, Laws of 1973 1st ex. sess., the Washington state dairy products commission hereby adopts certain definitions and prescribes the rate of assessment on milk and collection forms pursuant to the provisions of chapter 15.44 RCW effective August 1, 1973.

[Order 1-73, § 142-12-01001, filed 6/15/73.]

**WAC 142-12-015 Definitions.** (1) **Class I milk:** Class I milk shall be all skim milk and butterfat disposed of in the form of fluid milk product as defined by the standards of the federal government heretofore adopted in the order regulating handling of milk in the Puget Sound, Washington, marketing area, (Order 125, as amended).

(2) **Fluid milk product:** Fluid milk product is fluid milk product as defined by the standards of the federal government heretofore adopted in the said order regulating handling of milk in Puget Sound, Washington, marketing area. (Order 125 as amended.)

(3) **Market order:** Market order is an order regulating the handling of milk in a marketing area promulgated pursuant to Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agree-

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ment Act of 1937 as amended (48 Stat 31, as amended, 7 U.S.C. 601, et seq.).

(4) **Class I price:** Class I price is that price per hundredweight defined as the class I price per hundredweight by the standards of the federal government heretofore adopted by the order regulating the handling of milk in the Puget Sound, Washington, marketing area. (Order 125 as amended.)

(5) **3.5% Butterfat milk:** 3.5% butterfat milk is 3.5 percent milk as defined by the standards of the federal government heretofore adopted by the said order regulating the handling of milk in the Puget Sound, Washington marketing area. (Order 125 as amended.)

[Order 1-73, § 142-12-015, filed 6/15/73.]

**WAC 142-12-02001 Change in definitions.** In the event that the standards and definitions of the federal government as adopted in the said Order No. 125 regulating the handling of milk in the Puget Sound, Washington marketing area as amended are subsequently changed by the federal government with a resulting change in the foregoing definitions, the changed standards or definitions are incorporated herewith and made a part of this regulation unless and until such time as the Washington state dairy products commission changes the definition or definitions by formal amendment to this regulation.

[Order 1-73, § 142-12-02001, filed 6/15/73.]

**WAC 142-12-025 Rate of assessment.** The assessment per hundredweight upon all milk produced in the state of Washington effective July 16, 1973, shall be six tenths of one percent (0.6%) of the Class I price for 3.5% butterfat milk as established in the Puget Sound marketing area pursuant to a market order regulating the handling of milk in that area.

[Order 1-73, § 142-12-025, filed 6/15/73.]

**WAC 142-12-026 Assessment rate on Class I and Class II milk.** The assessment as set forth in RCW 15.44.085 which is levied on every hundredweight of Class I or Class II milk sold by a dealer, including any milk sold by a producer who acts as a dealer, is hereby increased from three-fourths of one cent per hundredweight to one cent per hundredweight.

[Statutory Authority: RCW 15.44.085. 92-15-080, § 142-12-026, filed 7/16/92, effective 9/1/92; 78-11-025 (Order 78-1), § 142-12-026, filed 10/16/78, effective 1/1/79.]

**WAC 142-12-030 Monthly assessment report described.** The printed form on which returns are to be made under oath to the commission, as required by RCW 15.44.-110, shall be known as "monthly assessment report," shall be prepared, signed, and submitted to the commission by each dealer, shipper, handler, producer handler, processor, manufacturer, and distributor not later than the 20th day of the suc-

ceeding month for the previous month's volume of milk handled, and shall contain the following information:

(1) Name and address of dealer, shipper, handler, producer handler, processor, manufacturer or distributor.

(2) Assessment rate applicable to fluid milk as provided in WAC 16-145-025. Total amount of producer milk purchased, handled or distributed.

(3) Period for which report is submitted.

(4) Total amount of assessment collected and forwarded to the commission.

(5) Certification by dealer, handler, producer handler, distributor or other person preparing the form.

[Order 1-73, § 142-12-030, filed 6/15/73.]

**WAC 142-12-035 Source of monthly assessment report.** Supplies of the monthly assessment report form shall be furnished without charge by the commission.

[Order 1-73, § 142-12-035, filed 6/15/73.]

## Chapter 142-20 WAC

### COMMISSION DISTRICTS AND BOUNDARIES

#### WAC

142-20-01001	Declaration of purpose.
142-20-020	District I.
142-20-030	District II.
142-20-040	District III.
142-20-050	District IV.
142-20-060	District V.
142-20-070	District VI.
142-20-080	District VII.

**WAC 142-20-01001 Declaration of purpose.** To effectuate the purposes of RCW 15.44.027 as amended by chapter 44, Laws of 1975, 44th Legislature, regular session, the Washington state dairy products commission hereby establishes commission districts and boundaries as follows.

[Order 1-76, § 142-20-01001, filed 4/19/76.]

**Reviser's note:** In WAC 142-20-01001, RCW 15.44.027 is a new section enacted as section 7, chapter 136, Laws of 1975 1st ex. sess. and has not been amended.

**WAC 142-20-020 District I.** District I shall include the counties of Adams, Asotin, Columbia, Ferry, Garfield, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman.

[Order 1-76, § 142-20-020, filed 4/19/76.]

**WAC 142-20-030 District II.** District II shall include the counties of Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Klickitat, Walla Walla, and Yakima.

[Order 1-76, § 142-20-030, filed 4/19/76.]

**WAC 142-20-040 District III.** District III shall include the northern portion of Whatcom County lying north of the western terminus of the Birch Bay-Lynden Road continuing east on that road to its intersection with Kok Road to Front Street in the city of Lynden, then east northeast to the Hanneegan Road, thence southeast on Hanneegan Road to Polinder Road, continuing east on Polinder Road, due east across the Nooksack River to Timon Road, then due east to Tom Road

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and continuing east on the north city limit of the town of Nooksack to Sorenson Road, and then due east along the section lines to the eastern border of Whatcom County.

[Order 1-76, § 142-20-040, filed 4/19/76.]

**WAC 142-20-050 District IV.** District IV shall include that portion of Whatcom County lying south of the southern boundary of District III, and that portion of Skagit County north of a boundary established by the western terminus of State Highway 536 (Memorial Highway) continuing east on that road to its intersection with Freeway Drive in the city of Mount Vernon; then north approximately one mile on Freeway Drive to the intersection of State Highway 538 (College Way) then east to that point where College Way intersects State Highway 9, then north along State Highway 9 to the intersection of State Highway 20, and then in an easterly and northeasterly direction along Highway 20 to the Whatcom County border.

[Order 1-76, § 142-20-050, filed 4/19/76.]

**WAC 142-20-060 District V.** District V shall include the counties of Clallam, Jefferson, King, Kitsap, Mason, Pierce, and Thurston.

[Order 1-76, § 142-20-060, filed 4/19/76.]

**WAC 142-20-070 District VI.** District VI shall include the counties of Island, San Juan, Snohomish, and those portions of Skagit County south of the southern boundary of District IV.

[Order 1-76, § 142-20-070, filed 4/19/76.]

**WAC 142-20-080 District VII.** District VII shall include the counties of Clark, Cowlitz, Grays Harbor, Lewis, Pacific, Skamania, and Wahkiakum.

[Order 1-76, § 142-20-080, filed 4/19/76.]

## Chapter 142-30 WAC

### ASSESSMENT ON MILK

#### WAC

142-30-010	Declaration of purpose—Effective date.
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**WAC 142-30-010 Declaration of purpose—Effective date.** To effectuate the purposes of chapter 15.44 RCW there is hereby levied upon all milk produced in this state an assessment of:

(1) 0.75 percent of the Class I price for 3.5% butterfat milk, as established in any market area by a market order in effect in that area or by the state department of agriculture in case there is no market order for that area; or

(2) While the Federal Dairy and Tobacco Adjustment Act of 1983, Title I, Subtitle B-Dairy Promotion Program, is in effect:

(a) An assessment rate not to exceed the rate approved at the most recent referendum that would achieve a ten cent per hundredweight credit to local, state or regional promotion organizations provided by Title I, Subtitle B of the Federal Dairy and Tobacco Adjustment Act of 1983; and

(b) An additional assessment of .00625 (five-eighths of one cent) per hundredweight.

[Statutory Authority: RCW 15.44.060(1), 15.44.130, 15.44.080. 01-21-054, § 142-30-010, filed 10/16/01, effective 1/1/02. Statutory Authority: RCW 15.44.130, 85-15-003 (Order 85-4), § 142-30-010, filed 7/5/85. Statutory Authority: Chapter 15.44 RCW. 83-08-019 (Order 83-2), § 142-30-010, filed 3/29/83; Order 2-76, § 142-30-10 (codified as WAC 142-30-010), filed 11/15/76, effective 1/1/77.]

## Chapter 142-40 WAC PROMOTIONAL HOSTING

### WAC

142-40-010	Purpose.
142-40-020	Definitions.
142-40-030	Implementation.

**WAC 142-40-010 Purpose.** Section 1, chapter 26, Laws of 1985 (RCW 15.04.200) enacted under the authority of Article VIII of the Washington state Constitution as amended, authorized the expenditure of agricultural commodity commission assessments for agricultural development or trade promotion and promotional hosting and provides that agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents, or commissioners.

The purpose of these rules is to set forth the parameters governing promotional hosting expenditures for the Washington dairy products commission.

[Statutory Authority: RCW 15.04.200. 92-14-035, § 142-40-010, filed 6/24/92, effective 7/25/92.]

**WAC 142-40-020 Definitions.** "Promotional hosting" as used in these rules means the hosting of individuals and groups of individuals at meetings, meals, and gatherings for the purpose of cultivating trade relations and promoting sales of milk and other dairy products.

"Hosting" may include providing meals, refreshments, lodging, transportation, gifts of a nominal value, reasonable and customary entertainment and normal incidental expenses at meetings or gatherings.

[Statutory Authority: RCW 15.04.200. 92-14-035, § 142-40-020, filed 6/24/92, effective 7/25/92.]

**WAC 142-40-030 Implementation.** The implementation of the rules governing promotional hosting expenditures for the Washington dairy products commission shall be as follows:

(1) Budget approval. Commission expenditures for agricultural development or trade promotion and promotional hosting shall be pursuant to specific budget items as approved by the commission at regular meetings held to review such matters.

(2) Officials and agents authorized to make expenditures. The following officials and agents are authorized to make expenditures for agricultural development or trade promotion and promotional hosting in accordance with the provisions of these rules:

- (a) Commissioners;
- (b) Administrators;
- (c) Executive management staff.

Individual commissioners shall make promotional hosting expenditures, or seek reimbursements for those expenditures, only in those instances where the expenditures have been approved by the commission.

(3) Payment and reimbursement. All payments and reimbursements shall be identified and supported by vouchers to which receipts are attached. Voucher forms will be supplied by the commission, and shall require the following information:

- (a) Name and position of each person hosted, provided that in case of a group of twenty-five or more persons, then only the name of the group hosted shall be required;
- (b) General purpose of the hosting;
- (c) Date of hosting;
- (d) Location of the hosting;
- (e) To whom payment was or will be made;
- (f) Signature of person seeking payment or reimbursement.

(4) The chairperson of the commission and/or the manager are authorized to approve direct payment or reimbursements submitted in accordance with these rules.

(5) The following persons may be hosted when it is reasonably believed such hosting will cultivate trade relations and promote sales of milk and other dairy products, provided that such hosting shall not violate federal or state conflict of interest laws:

- (a) Individuals from private business;
- (b) Foreign government officials;
- (c) Federal and state officials, provided lodging, meals, and transportation will not be provided when such officials may obtain reimbursement for these expenses from their government employer;

(d) The general public, at meetings and gatherings open to the general public;

(e) Commissioners and employees of the commission when their attendance at meetings, meals, and gatherings at which the persons described in (a) through (d) of this subsection are being hosted will cultivate trade relations and promote sales of milk and other dairy products.

(f) Spouses of the persons listed in (a), (b), (c), and (e) of this subsection when attendance of such spouse will serve to cultivate trade relations or promote the sale of milk or other dairy products.

[Statutory Authority: RCW 15.04.200. 92-14-035, § 142-40-030, filed 6/24/92, effective 7/25/92.]